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November 4, 2003

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**HAND DELIVERY**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
The Portals, TW-A325  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: Docket No. MB 03-206

Dear Ms. Dortch:

Transmitted herewith, on behalf of Word of God Fellowship, Inc., dba Daystar Television Network, are an original and four (4) copies of its Motion to Dismiss on procedural grounds the Reply Comments filed by Dominion Video Satellite, Inc., on October 31, 2002,

Should further information be desired in connection with this matter, please communicate with this office.

Sincerely,



Robert L. Olender  
Counsel for  
Word of God Fellowship, Inc., dba  
Daystar Television Network

RLO/mp

Enclosures

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Before the  
**Federal Communications Commission**  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

ORIGINAL

In the Matter of:

Exclusivity Agreements  
Affecting Direct Broadcast  
Satellite (DBS) Providers

MB Docket No. 03-206

To: The Commission

**MOTION TO DISMISS**

Word of God Fellowship, Inc., dba Daystar Television Network ("Daystar"), by its attorneys, hereby moves that the "Reply Comments" of Dominion Video Satellite, Inc., filed October 31, 2003, be dismissed for failure to comply with the Commission's specifications as to pleadings and documents.

Dominion Video Satellite, Inc. ("Dominion") filed its Reply Comments in response to Comments in this proceeding filed by EchoStar Satellite Corp. and Trinity Broadcasting Company. Dominion's Reply Comments are twelve (12) pages in length, exclusive of the Certificate of Service.

Section 1.49(b) of the Rules (47 C.F.R. § 1.49(b)) requires that all pleadings and documents filed with the Commission which exceed ten pages in length *shall include a*

table of contents with page references. Dominion's Reply Comments contain no such table of contents.

Additionally, Section 1.49(c) of the Rules (47 C.F.R. § 1.49(c)) provides that all pleadings exceeding ten (10) pages in length *shall include* a summary of the filing which should be a succinct, accurate and clear condensation of the substance of the filing. Dominion's Reply Comments contain no such summary.

When these procedural rules were adopted in 1984, the stated purpose was to enable the Commission and its staff, and the public, to analyze and retrieve filings expeditiously and effectively. At that time the Commission noted the vastly increased public awareness of telecommunications matters and the increased number and complexity of filings.<sup>1</sup> In the nearly two decades since, the public awareness of telecommunications issues, particularly those issues which affect television viewing choices, has become even greater. The issues have grown increasingly complex, and the number of filings has grown exponentially.

On September 10, 2003, Daystar filed a Motion to Dismiss, similar to this, about Dominion's September 2, 2003, Opposition to Daystar's Request for Section 403 Inquiry and Declaratory Ruling. The result was Dominion's re-filing of its Opposition on September 12, 2003, along with an apology and request for leave to file.

Apparently the lesson has been forgotten. Dominion again fails to abide by the procedural rules.

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<sup>1</sup> See *Procedural Rules (Table of Contents)*, 56 Pike & Fischer RR 2d 1347 (1984).

In light of Dominion's failure to comply with basic procedural rules designed to ease the burdens of the Commission, its staff and the public, it is respectfully requested that the Reply Comments be returned and not considered in this proceeding.

Respectfully submitted,

**WORD OF GOD FELLOWSHIP, INC.**  
**d/b/a DAYSTAR TELEVISION NETWORK**

By: \_\_\_\_\_



James A. Koerner  
Robert L. Olender  
It's Attorneys

November 4, 2003

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## **CERTIFICATE OF SERVICE**

I, Molly M. Parezo, secretary at Koerner & Olender, P.C., do hereby certify that on this 4<sup>th</sup> day of November, 2003, I caused a copy of the foregoing **"Reply to Comments"** to be served by first-class mail, postage prepaid, to the following:

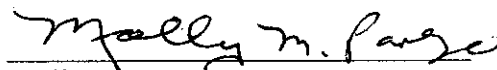
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